

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-17 are pending in the application.

Allowable Claims 12-17

The Applicants again thank the Examiner for the indication that claims 12-17 are allowed and claims 2-11 recited allowable subject matter.

Claim 1 over Shah in view of Kornaros

Claim 1 stands rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,795,860 to Shah in view of *ATLAS I: Implementing a Single-Chip ATM Switch with Backpressure*, IEEE 1999 to Kornaros. The Applicants respectfully traverse the rejection.

Independent claim 1 specifies prioritizing switching of a data frame by an integrated network switch to an output port based on a user-selected attribute of the data frame.

Hence, a user is able to select prioritization of data frames based on, e.g., identification of any one of a prescribed network switch port receiving a data packet, a prescribed source address within the data packet, and/or identification of the data packet as belonging to a prescribed data flow. Prioritizing switching of a data frame based on a user-selectable attribute of a data frame overcomes reliance on and can override a priority field associated with a data packet, as is disclosed as being relied on by the cited prior art.

The Office Action alleges that Shah discloses prioritizing switching of a data frame to an output port based on a user-selected attribute of the data frame at Abstract; col. 13, lines 18-26 and col. 14, lines 2-15 (see Office Action, pages 2 and 3). The Applicants respectfully disagree.

Shah's invention is directed toward a system and method of determining which mirrored service (defined as multiple computers that host a network service, such as a web page; see col. 1, lines 42-44) that contains a requested web page is the best selection for a given client (See col. 1, lines 29-44, col. 2, lines 52-58 and Abstract). Shah at col. 13, lines 18-26 discloses a portion of a method of selecting a mirrored service using

community attributes (See col. 12, lines 59-61). A distributed director compares community attributes to a predetermined community attribute and selects a director response protocol (DRP) agent associated with director response protocol agent associated with a community attribute matching the predetermined community attribute (Shah, col. 13, lines 18-21). The predetermined community attribute may be selected in various ways, with one such way being by a user, such as a network administrator (Shah, col. 13, lines 22-25).

Thus, Shah at col. 13, lines 18-26 discloses a portion of a method of determining which mirrored service that contains a requested web page is the best selection for a given client. Shah at col. 13, lines 18-26 fails to disclose or suggest details of HOW a network switch INTERNALLY switches data frames, i.e., to an output port, much less disclose or suggest prioritized switching based on a user-selected attribute of the data frame, as recited by claim 1.

Shah at col. 14, lines 2-10 discloses an internal network protocol metric that may be a distance between DRP agents and a preferred border router, and a measure of time for a packet sent from a DRP agent to reach a preferred border router. A distributed director then selects a mirrored service which has the lowest internal gateway protocol metric to a preferred border router. (Shah, col. 14, lines 11-15).

Thus, Shah at col. 14, lines 2-15 simply discloses a way of determining which mirror site is a most efficient site to route a request for a web page to. Shah at col. 14, lines 2-15 fails to disclose or suggest details of HOW a network switch INTERNALLY switches data frames, i.e., to an output port, much less disclose or suggest prioritized switching based on a user-selected attribute of the data frame, as recited by claim 1.

Moreover, Shah fails to disclose or suggest any type of prioritized switching. Shah directs a request for a web page based on distance between a source of a request and a destination; and time that it takes for a request to reach a destination. Shah fails to prioritize anything within the disclosure, much less disclose or suggest prioritized switching, much less disclose or suggest prioritized switching based on a user-selected attribute of the data frame, as recited by claim 1.

Moreover, the broadest reasonable interpretation of cannot be inconsistent with the specification, which illustrates the claimed “switching” (see, e.g., page 6, lines 14-

16). Hence, “claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation.’” MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting *In re Marosi*, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)). Thus, the claimed feature “switching” does not equate to any traffic movement but layer 2 switching between connected links.

Shah, at col. 1, lines 29-44, col. 2, lines 52-58 and Abstract, nor anywhere else within Shah is remotely related to provides details of HOW a network switch INTERNALLY switches data frames. Contrary to the Examiner’s allegation, Shah fails to disclose or suggest prioritizing switching of a data frame to an output port based on a user-selected attribute of the data frame.

The Office Action acknowledged that Shah fails to disclose a single chip switch (see Office Action, page 3). However, the Office Action relied on Kornaros to allegedly make up for the deficiencies in Aimoto, i.e., disclosing a single chip switch (See Office Action, page 3).

Kornaros discloses a single chip ATM switch, as acknowledged by the Examiner. However, Kornaros is directed to flow control within an ATM network. Kornaros fails to disclose or suggest prioritizing switching of a data frame to an output port based on a user-selected attribute of the data frame, as recited by claim 1.

Accordingly, for at least all the above reasons, claim 1 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-311, and please credit any excess fees to such deposit account.

Respectfully submitted,

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